

§ 103.45 Information collection.

(a) The information collection requirements of §§103.11, 103.12, 103.13, 103.14, 103.17, 103.21, 103.23, 103.26, 103.32, 103.33, 103.34, 103.35, 103.36, 103.37, and 103.38 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*, and assigned approval number 1076-0020. The information will be used to approve and make payments on Federal loan guarantees, insurance agreements, and interest subsidy awards. Response is required to obtain a benefit.

(b) The burden on the public to report this information is estimated to average from 15 minutes to 2 hours per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the information collection. Direct comments regarding the burden estimate or any other aspect of this information collection to the Information Collection Control Officer, Bureau of Indian Affairs, MS 4613, 1849 C Street, NW., Washington, DC 20240.

PART 111—ANNUITY AND OTHER PER CAPITA PAYMENTS

Sec.

- 111.1 Persons to share payments.
- 111.2 Enrolling non-full-blood children.
- 111.3 Payments by check.
- 111.4 Election of shareholders.
- 111.5 Future payments.

AUTHORITY: 5 U.S.C. 301.

SOURCE: 22 FR 10549, Dec. 24, 1957, unless otherwise noted. Redesignated at 47 FR 13327, Mar. 30, 1982.

§ 111.1 Persons to share payments.

In making all annuity and other per capita payments, the funds shall be equally divided among the Indians entitled thereto share and share alike. The roll for such payments should be prepared on Form 5-322,¹ in strict alphabetical order by families of husband, wife, and unmarried dependent minor children. Unless otherwise instructed,

(a) Indians of both sexes may be considered adults at the age of 18 years;

¹ Forms may be obtained from the Commissioner of Indian Affairs, Washington, D.C.

(b) Deceased enrollees may be carried on the rolls for one payment after death;

(c) Where final rolls have been prepared constituting the legal membership of the tribe, only Indians whose names appear thereon are entitled to share in future payments, after-born children being excluded and the shares of deceased enrollees paid to the heirs if determined or if not determined credited to the estate pending determination; and

(d) The shares of competent Indians will be paid to them directly and the shares of incompetents and minors deposited for expenditure under the individual Indian money regulations.

CROSS REFERENCES: For regulations pertaining to the determination of heirs and approval of wills, see part 15 and subpart G of part 11 of this chapter. For individual Indian money regulations, see part 115 of this chapter.

§ 111.2 Enrolling non-full-blood children.

Where an Indian woman was married to a white man prior to June 7, 1897, and was at the time of her marriage a recognized member of the tribe even though she left it after marriage and lived away from the reservation, the children of such a marriage should be enrolled—and, also in the case of an Indian woman married to a white man subsequent to the above date but who still maintains her affiliation with the tribe and she and her children are recognized members thereof; however, where an Indian woman by marriage with a white man after June 7, 1897, has, in effect, withdrawn from the tribe and is no longer identified with it, her children should not be enrolled. In case of doubt all the facts should be submitted to the Bureau of Indian Affairs, Washington, D.C., for a decision.

§ 111.3 Payments by check.

All payments should be made by check. In making payments to competent Indians, each check should be drawn to the order of the enrollee and given or sent directly to him. Powers of attorney and orders given by an Indian to another person for his share in

a payment will not be recognized. Superintendents will note in the "Remarks" column on the roll the date of birth of each new enrollee and the date of death of deceased annuitants.

§ 111.4 Election of shareholders.

An Indian holding equal rights in two or more tribes can share in payments to only one of them and will be required to elect with which tribe he wishes to be enrolled and to relinquish in writing his claims to payments to the other. In the case of a minor the election will be made by the parent or guardian.

§ 111.5 Future payments.

Indians who have received or applied for their pro rata shares of an interest-bearing tribal fund under the act of March 2, 1907 (34 Stat. 1221; 25 U.S.C. 119, 121), as amended by the act of May 18, 1916 (39 Stat. 128), will not be permitted to participate in future payments made from the accumulated interest.

PART 114—SPECIAL DEPOSITS [RESERVED]

PART 115—TRUST FUNDS FOR TRIBES AND INDIVIDUAL INDIANS

Subpart A—Purpose, Definitions, and Public Information

Sec.

- 115.001 What is the purpose of this part?
- 115.002 What definitions do I need to know?

Subpart B—IIM Accounts

- 115.100 Osage Agency.
- 115.101 Individual accounts.
- 115.102 Adults under legal disability.
- 115.103 Payments by other Federal agencies.
- 115.104 Restrictions.
- 115.105 Funds of deceased Indians of the Five Civilized Tribes.
- 115.106 Assets of members of the Agua Caliente Band of Mission Indians.
- 115.107 Appeals.

Subpart C—IIM Accounts: Minors

- 115.400 Will a minor's IIM account always be supervised?
- 115.401 What is a minor's supervised account?
- 115.402 Will a minor have access to information about his or her account?

- 115.403 Who will receive information regarding a minor's supervised account?
- 115.404 What information will be provided in a minor's statement of performance?
- 115.405 How frequently will a minor's statement of performance be mailed?
- 115.406 Who provides an address of record for a minor's supervised account?
- 115.407 How is an address of record for a minor's supervised account changed?
- 115.408 May a minor's supervised account have more than one address on file with the BIA?
- 115.409 How is an address for a minor's residence changed?
- 115.410 What types of identification will the BIA or OTFM accept as "verifiable photo identification"?
- 115.411 What if the individual making a request regarding a minor's supervised account does not have any verifiable photo identification?
- 115.412 Will child support payments be accepted for deposit into a minor's supervised account?
- 115.413 Who may receive funds from a minor's supervised account?
- 115.414 What is an authorized disbursement request?
- 115.415 How will an authorized disbursement from a minor's supervised account be sent?
- 115.416 Will the United States post office forward mail regarding a minor's supervised account to a forwarding address left with the United States post office?
- 115.417 What portion of funds in a minor's supervised account may be withdrawn under a distribution plan?
- 115.418 What types of trust funds may a minor have?
- 115.419 Who develops a minor's distribution plan?
- 115.420 When developing a minor's distribution plan, what information must be considered and included in the evaluation?
- 115.421 What information will be included in the copy of the minor's distribution plan that will be provided to OTFM?
- 115.422 As a custodial parent, the legal guardian, the person who BIA has recognized as having control and custody of the minor, or an emancipated minor, what are your responsibilities if you receive trust funds from a minor's supervised account?
- 115.423 If you are a custodial parent, a legal guardian, or an emancipated minor, may BIA authorize the disbursement of funds from a minor's supervised account without your knowledge?
- 115.424 Who receives a copy of the BIA-approved distribution plan and any amendments to the plan?
- 115.425 What will we do if we find that a distribution plan has not been followed or